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SUBJECT: MALAY RULERS REASSERT CONSTITUTIONAL ROLE IN
UNPRECEDENTED STATEMENT

Classified By: Political Counselor Mark D. Clark for reasons 1.4 b and d.

Summary

11. (SBU) Malaysia's nine Malay monarchs, who form a collective called the Council of Rulers, released an unprecedented special statement on October 16 reaffirming their fundamental constitutional role and defending key provisions in the federal constitution regarding ethnic Malay interests, as well as minority rights. The broad statement touched off competing public interpretations by different political actors. Conservative voices in the ruling UMNO party broadcast the statement as a "warning" to those challenging the status quo, while Opposition leaders interpreted the Rulers' words as a warning to UMNO not to abuse racial sentiments for political gain. The Council of Rulers also reportedly affirmed the appointment of UMNO former legal counsel as Malaysia's next Chief Justice, raising some question about the future of judicial reform.

12. (C) Comment: The Council of Rulers' October 16 statement is unprecedented in modern Malaysia, according to local historians. Recent events such as race-based turmoil among UMNO and its Chinese coalition partners, the seemingly reckless use of the ISA, and most recently the ban of the Hindu Rights Action Force (Hindraf) have raised concerns over ethnic harmony in Malaysia. The Rulers, normally an apolitical grouping, have chosen this juncture to reassert their role as guarantors of Malaysia's inter-ethnic political compromise represented by the constitution. The monarchs' statement appears to be intended to cool racial rhetoric and dampen inter-ethnic tensions, while reaffirming their own constitutional prerogative. Beyond this, however, it is not clear that the Rulers have weighed in to the benefit of UMNO or any other political party. All sides have pocketed the Royal remarks for their own diverse purposes and moved on, while the monarchs themselves have remained silent on these contradictory interpretations. It is also not clear to us what the Council's statement portends for the Rulers' future activism in constitutional matters. Summary and Comment.

Malay Rulers Reiterate Constitutional Role

13. (SBU) Malaysia's nine Malay Rulers, who have traditionally been apolitical, released an unprecedented special statement on October 16 reiterating their constitutional role and defending other key provisions in the Federal Constitution. In the broadly worded statement, the Malay Rulers explained their constitutional role "to safeguard the special privileges, position, eminence and greatness of the Malay

Rulers, safeguard Islam, Malay as the National Language, and the genuine interests of the other communities in Malaysia..." They stressed that "this agenda is more important and foremost than political or factional interests." The rulers pointed out that of late several quarters who have "a cursory knowledge" of the background of the constitution have disputed and questioned these provisions, which they described as the "Social Contract" that "formed the primary basis for the formation of Malaysia and are enshrined in the Federal Constitution." This has resulted in dissatisfaction and anger among Malay leaders, NGOs and individuals and those who take advantage of these issues for their "own narrow political interests." The rulers warned "Unless this phenomenon is arrested immediately, it can lead to disunity and racial strife that can undermine the peace and harmony which has all this while brought progress, development and success to the nation." Therefore, the rulers felt it was not proper to dispute, question, review, test, change or challenge issues related to the Social Contract.

¶4. (U) The Malay monarchs' statement also reminded the people that the rulers played a role in the independence of the country and that the institution of Rulers has been enshrined in the constitution, "at the apex of Government, as the head of the country and the states, as a protective umbrella, ensuring impartiality among the citizens." The rulers also stressed that the institution of Rulers takes on the role of being a "check-and-balance factor to untangle complications." They concluded by reiterating the importance of Malay unity and the constitutionally guaranteed rights of the non-Malays,

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and hoped "all confusion among the people regarding these matters can be contained, and an atmosphere of peace, harmony and mutual respect can continue to exist among the people for the maintenance of order in the country.⁸

¶5. (SBU) Following release of the statement, the Royal Chamberlain attached to the Council clarified that the Rulers in fact had drafted their remarks prior to the Council's meeting, seemingly an effort to distance the remarks from any particular political pressure.

Conflicting Interpretations

¶6. (C) Prime Minister and United Malays National Organization (UMNO) President Abdullah Badawi stated on October 18 that the rulers were reminding Malaysians to "uphold and respect the constitution." However, other UMNO leaders who are currently campaigning for party positions and the UMNO owned Malay language media interpreted the ruler's statement as the "final word," "a meaningful reminder," "an appropriate non-compromising stand," and a "warning" against those who question Malay rights and the position of Islam in the country. UMNO cabinet minister Shahrir Samad, who is not identified as a hardliner, told us on October 21 that those UMNO leaders who are "ranting" over the statement do not seem to realize that the rulers are actually reminding political parties that they are also "stake holders" in the country's political future. He stated candidly that UMNO cannot continue to claim ownership of the symbols of "Malay supremacy" by forgetting the role of the Malay rulers.

¶7. (C) In contrast with UMNO's public spin, Opposition parties interpreted the statement as a warning to UMNO not to incite racial hatred. The Peoples Justice Party (PKR) Vice President Azmin Ali told us on October 21 that the statement was a clear reminder to UMNO "not to view all issues from a narrow racial perspective." The party's Information Chief Tian Chua added that the statement was a signal that no political force can claim to be defending the rights of any race. He added that it was a warning to UMNO to mind its own business and not to interfere in the role of the "monarchy that is supposed to look after Malay rights." Democratic

Action party (DAP) senior leader and parliamentarian Lim Kit Siang stated that the Rulers' remarks should be seriously studied by all Malaysians who are interested in the well being of the country "so that we can enhance our national competitiveness in the borderless era of information technology and globalization."

¶18. (SBU) Malaysian civil society likewise emphasized varying interpretations of the Ruler's remarks aimed at bolstering their own positions. The Council's announcement received a significant amount of media coverage, garnering front page, large-lettered headlines in all the dailies. Interestingly enough, the two most prominent UNNO publications--the New Straits Times and the Utusan--conveyed different interpretations of the remarks, with Malay-language Utusan supporting a more hardline interpretation to feed its ethnic Malay readership. The president of the UMNO-backed Malay Solidarity Council (which reportedly represents 200 small Malay NGOs) Ismail Hussin claimed the statement supported his group's campaign against what they see as an increasing challenges to Malay special privileges. Malaysian Bar Council President Ambiga Sreenevasan, who has faced conservative Malay criticism for the Council's recent attempt to hold a seminar on religious conversion, told reporters October 17 that the statement reaffirmed the importance of the federal constitution and was a reminder of the guarantees accorded to all Malaysians. Malaysian Human Rights Society President Malik Imtiaz echoed Ambiga's view adding that the statement "places equal emphasis on both Malay rights and non-Malays rights." Malaysian Human Rights Commission Chairman Abu Talib Othman stated that the rulers felt they had a duty to ensure the country prospered and developed peacefully in accordance with the Constitution. He added that it was a reminder to all Malaysians "not to do anything to affect the (nation's) peace and harmony."

Rulers Affirm Former UMNO Lawyer as Chief Justice

¶19. (SBU) In a related development, the Conference of Rulers at its October 16 meeting decided to affirm Court of Appeal

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President Zaki Tun Azmi as the next Chief Justice of Malaysia, according to press reports. He replaces Chief Justice Abdul Hamid Mohamed who officially retired on October 17. Under Article 122B (1) of the Federal Constitution, "the Chief Justice of the Federal Court, the President of the Court of Appeal and the Chief Judges shall be appointed by the King acting on the advice of the Prime Minister, after consulting the Conference of Rulers." Zaki, who until last year was UMNO's long-time legal advisor, made history in September 2007 when he was appointed directly to the Federal Court from the legal profession, bypassing other senior judges. Opposition coalition Peoples Alliance (PR) had submitted a letter dated October 16 to the King and all the Malay rulers urging a deferment in the appointment of the Chief Justice and consideration of public opinion on the matter. Over 25,000 people have already signed an online petition to the king to object to Zaki's appointment due to his involvement with UMNO. In their letter the PR leaders stated that "the appointment of the chief justice is important to ensure the integrity and credibility of the judiciary." Although Zaki's appointment has not been officially announced, Bar Council President Ambiga Sreenevasan told reporters she hoped that Zaki would dispel concerns expressed about his political and business affiliations "through the conduct of his duties and by a demonstration of independence and impartiality at all times."

KEITH